

Notice of Allowability

Application No.

09/649,215

Examiner

Tuan A. Vu

Applicant(s)

LAMKIN ET AL.

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/10/07.
2. ☒ The allowed claim(s) is/are 1-9, 11-12 (renum 1-11).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/16/07</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/25/06; 5/7/04(duplicate); 10/27/04; 7/24/03;10/7/04.

DETAILED ACTION

1. This action is responsive to the Applicant's Appeal Brief filed 9/10/07.

As indicated in Applicant's Appeal Brief, claims 1-12 are pending in the office action.

But following an Examiner's initiated interview (refer to Interview Summary included with this Office Action), an agreement has been reached leading to the following Examiner's Amendment.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Steven Freeland, Reg. # 42,555 on 11/14/07.

The application has been amended as follows.

In the CLAIMS:

The claims have been amended in accordance to the Claims Amendments herein attached; that is, the *pdf* file entitled 'DRAFT PROPOSED EXAMINER CLAIMS AMENDMENT', dated Nov. 15, 2007.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

4. Claims 1-9, 11-12 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art taken separately or jointly does not suggest or teach the following features.

Art Unit: 2193

A computer product or system implementing a method for combining video/audio content with programmatic content, the method comprising: (i) generating an authoring output comprising one or more definitions for one or more variables, and a representation of the audio/video content defining how the audio/video content is to be displayed; (ii) selecting one or more source files that correspond with the one or more definitions of said at least one or more variables; searching an instance of each of said one or more source files for said at least one variable; and within said instance replacing said at least one or more variable with the corresponding definition of said variable such that that instance of the source file contains the corresponding definition for said at least one variable; (iii) generating programmatic content in accordance with each of the selected one or more source files each comprising the definition in response to the searching and replacing, and (iv) generating an image as a function of the programmatic content and the representation of the video/audio content, and combining the image with the audio/video content; as recited in claims 1, 8-9.

Tahara et al, USPN: 5,909,551, discloses an authoring tool using a browser environment wherein user can select elements to reproduce video content via web page based interactive process so to inserting video data and programmatic components into a image, using iconic buttons and HTTP links to retrieve file and data file from a directory structure. Tahara does not teach or suggest generating a programmatic content in response to searching of a variable within an instance of one or more source files and replacing that variable with the corresponding definition thereof generated from a authoring output, in that said source files contain the definition of that variable; and generating a image as a function of said programmatic content in order to combine video/content with the image, as in (ii) and (iii) and (iv).

Madrane, USPN: 6,573,907, discloses user's driven annotater interface of a OBVI script in which embedded web links can be inserted at authoring time by means of database retrieval of data; or by resolving the required fields specified by a XML equivalent OBVI file in order to create a modified version of the OBVI script, such that the script or plurality thereof can be included in the CD-ROM to support reproduction of video content. Madrane selects a unmodified script and further applies further changes to the script by using insertion of annotation or web links therein; hence, Madrane does not teach selection of a source file (as in ii) having a corresponding variable whose definition is provided externally from an authoring step, and by searching within each instance of one or more said source files, replacing said variable with the corresponding definition, generate a programmatic content or a script (as in iii) in function of said source files thus modified (i.e. having said variable replaced) in order to create the image as in (iv) with combining image with audio/video content.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

Art Unit: 2193

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan A Vu', with a long horizontal line extending to the right.

Tuan A Vu
Patent Examiner,
Art Unit 2193
November 16, 2007